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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. Serial No.:	10/679,166	Group Art Unit:	3733
Filing Date:	October 3, 2003	Examiner:	Woodall, Nicholas W.
Applicant(s):	Szakelyhidi Jr. David C., et al.	Atty Docket No.:	34548.208

Title: **MAGNETIC TARGETING DEVICE**

RESTRICTION RESPONSE AND ELECTION OF SPECIES

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

To the Commissioner:

In response to the restriction requirement dated April 4, 2007, the time period for response thereto being set to expire July 5, 2007, by virtue of the Petition for Two-Month Extension of Time filed herewith, Applicants provisionally elect, **with traverse**, Group I, claims 1-18.

REMARKS

Applicants provisionally elect Group I, claims 1-18, with **traverse**.

Restriction is proper only if the restricted claims are independent or patentably distinct and there is no serious burden placed on the Examiner if restriction is not required (MPEP §803). The burden is on the Examiner to provide reasons and/or examples to support any conclusion of patentable distinctness between the restricted claims (MPEP §803). Applicant respectfully traverses the restriction requirement on the grounds that the Office has not carried the burden of providing any reason and/or example to support the conclusion that the claims of the restricted groups are, in fact, distinct.